Toffoloni v. LFP Publishing Group, LLC Doc. 1 Att. 3

potential venire for the wrongful death case. Monetary damages are inadequate to remedy this harm to Plaintiff.

Defendant LFP claims, in its January 25, 2008 letter, that publication of the photographs of Nancy Benoit is authorized as an exercise of freedom of the press "[t]he photographs of Ms. Benoit as a beautiful young woman in her twenties are being used to illustrate a legitimate and serious news article...about her life." *See* Verified Complaint ¶ 19 and Exhibit D thereto. Defendant LFP's publication of the photographs is not authorized as an exercise of the freedom of the press because, publication of nude and partially nude photographs of Nancy Benoit are not necessary or relevant to a "legitimate and serious news article" about something that happened more than seven months ago. The lack of serious journalistic merit can clearly be seen in the article and photographs filed herewith under seal.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court issue a temporary restraining order preventing Defendants from publishing or selling nude or partially nude photographs of Nancy Benoit.

Respectfully submitted this 4th day of February, 2008 .

Richard P. Decker
State Bar of Georgia No.215600
DECKER, HALLMAN, BARBER & BRIGGS
Attorneys for Plaintiff

Dockets.Justia.com

260 Peachtree Street, N.W.
Suite 1700
Atlanta, Georgia 30303
(404) 522-1500